



## CITY OF ATLANTA

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KEISHA LANCE BOTTOMS  
MAYOR

March 22, 2019

Council President Felicia A. Moore  
Members of the Atlanta City Council  
City Hall 2<sup>nd</sup> Floor, Suite 2900  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303

Dear President Moore and Members of the Atlanta City Council:

I am writing to make you aware that Resolution Number 19-R-3366 ("the Resolution") is in violation of the Charter and the City of Atlanta Code of Ordinances. I trust that you agree it is critical that the Council take action only in full compliance with the law. Accordingly, as a courtesy, I wanted to convey this to give the Council ample time to amend the Resolution to correct the legal errors contained therein.

On March 18, 2019, the Atlanta City Council adopted the Resolution requesting that the City Auditor and/or Ethics Officer conduct an "independent review of personnel transaction which authorized the hiring and payment of campaign staff during the 2017-2018 mayoral transitions to determine if any portion of the City's Code of Ordinances, state law, Constitution of the State of Georgia or Federal Aviation Administration regulation has been violated." The Resolution further purports to authorize the City Auditor and/or Ethics Officer to "hire outside independent counsel to assist with this review as needed" and "to work exclusively with the City Auditor and Ethics Officer."

A grant of authority to hire independent legal counsel, such as is contained in the Resolution, violates the City of Atlanta Charter. The Charter designates the City Attorney as the chief legal advisor of the city.<sup>1</sup> Accordingly, the City Attorney is vested with complete and exclusive authority and jurisdiction in all matters of law relating to the city government and of every department, bureau, office, institution, commission, committee, board and other agency thereof.<sup>2</sup> It is therefore in direct contravention of the Charter to permit a city official, or subdivision to engage an attorney to provide separate, and potentially conflicting, legal advice from that of the City Attorney.

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<sup>1</sup> City of Atlanta Charter § 3-303(d).

<sup>2</sup> See City Code § 2-396.

Additionally, the Resolution purports to expand the powers of the City Auditor and/or the Ethics Officer. To do so by means of a resolution is impermissible. The powers of the City Auditor are delegated to that office via City of Atlanta Charter, and the powers of the Ethics Officer are conferred by the City of Atlanta Code of Ordinances.<sup>3</sup> Accordingly, their powers may only be expanded pursuant to a charter amendment or an ordinance, respectively, and cannot be expanded by means of a mere resolution.<sup>4</sup>

Within eight calendar days of its adoption, without my signature or veto, the Resolution will automatically become enacted. Any subsequent findings by the auditor or outside counsel will be rendered useless due to their unlawful origin. This is not a prudent use of City resources or taxpayer's hard-earned dollars. I urge the Council to take the appropriate action to correct this legislation, and to consult with the Department of Law to ensure that any such corrective action is fully compliant with the law.

Sincerely,

A handwritten signature in blue ink, appearing to read "Keisha Lance Bottoms", with a stylized flourish extending from the end.

Keisha Lance Bottoms

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<sup>3</sup> City of Atlanta Charter §§ 2-601 – 2-608; City Code §§ 2-801, et seq.

<sup>4</sup> OCGA § 36-35-3; City of Atlanta Charter §§ 2-401, 2-402(c).